

I certify that the attached is a true and
correct copy of H.B. 539, which
was filed of record on JAN 23 1981
and referred to the committee on:

FILED JAN 23 1981

Employment Practices

Betty Messing
Chief Clerk of the House

By *Cris*

H.B. No. 539

A BILL TO BE ENTITLED

AN ACT

relating to the regulation of child labor; providing a penalty.

BE IT ENACTED BY THE LEGISLATURE OF THE STATE OF TEXAS:

SECTION 1. PURPOSE. The purpose of this Act is to ensure
that no child is employed in an occupation or in a manner that is
detrimental to the child's safety, health, or well-being.

SECTION 2. DEFINITIONS. In this Act:

(1) "Child" means an individual under 18 years of age.

(2) "Commissioner" means the commissioner of labor and
standards.

(3) "Department" means the Texas Department of Labor and
Standards.

(4) "Person" means an individual, corporation, partnership,
unincorporated association, or other legal entity.

SECTION 3. MINIMUM AGE. Except as provided by this Act or
by a rule of the commissioner of labor and standards, a person
commits an offense if that person employs a child under 14 years of
age.

SECTION 4. RULEMAKING. The commissioner of labor and
standards may adopt rules necessary to promote the purpose of this
Act. Except as expressly authorized by this Act, a rule may not
permit the employment of a child under 14 years of age.

SECTION 5. HOURS. (a) A person who employs a child commits
an offense if that person permits a child to work more than 8 hours

1 in one day or more than 48 hours in one week.

2 (b) A person who employs a child commits an offense if that
3 person permits a child 14 or 15 years of age who is enrolled in the
4 fall, spring, or summer session of a public or private school to
5 work between the hours of 10 p.m. and 5 a.m. on a day that is
6 followed by a school day or between the hours of midnight and 5
7 a.m. on a day that is not followed by a school day.

8 (c) A person who employs a child commits an offense if that
9 person permits a child 14 or 15 years of age who is not enrolled in
10 summer school to work between the hours of midnight and 5 a.m. on
11 any day during the time school is recessed for the summer.

12 SECTION 6. HARDSHIP. (a) The commissioner may adopt rules
13 to determine whether a hardship exists in the case of an individual
14 child.

15 (b) The department may determine whether a hardship exists
16 in the case of an individual child under the rules adopted by the
17 commissioner.

18 (c) If the department determines that a hardship exists in
19 the case of an individual child, Sections 5(a), (b), and (c) of
20 this Act do not apply in that case.

21 SECTION 7. INSPECTORS. (a) The commissioner or any deputy
22 or inspector of the commissioner may, during working hours, inspect
23 a place where there is good reason to believe a child is employed
24 and collect information concerning the employment of a child who
25 works at that place.

26 (b) A person commits an offense if the person knowingly or
27 intentionally hinders an inspection or the collection of

1 information authorized by this section.

2 SECTION 8. HAZARDOUS OCCUPATIONS. (a) If the commissioner
3 finds that any occupation is particularly hazardous for the
4 employment of a child and that occupation has been declared to be
5 hazardous by an agency of the federal government, the commissioner
6 by rule shall declare that occupation to be hazardous.

7 (b) The commissioner by rule may restrict the employment of
8 children 14 years of age or older in hazardous occupations.

9 (c) A person commits an offense if that person employs a
10 child in violation of a rule adopted under this section.

11 SECTION 9. CERTIFICATE OF AGE. (a) A child who is at least
12 14 years of age may apply to the department for a certificate of
13 age.

14 (b) When applying for a certificate of age, a child must
15 present documentary proof of age that the department finds
16 necessary.

17 (c) After the department has approved a child's documentary
18 proof of age, the department shall issue to the child a certificate
19 stating the date of birth of the child.

20 (d) It is a defense to prosecution of a person employing a
21 child who does not meet the minimum age standard for a type of
22 employment that the person in good faith relied on an apparently
23 valid certificate of age presented by the child showing the child
24 to be the required minimum age.

25 SECTION 10. ACTORS. The commissioner by rule may authorize
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27 performer in a motion picture or in a theatrical, radio, or

1 television production.

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4 (1) employed in a nonhazardous occupation under the direct
5 supervision of the child's parent or an adult having custody of the
6 child in a business or enterprise owned or operated by the parent
7 or custodian;

8 (2) engaged in delivery of newspapers to the consumer;

9 (3) participating in a school-supervised and
10 school-administered work-study program approved by the department;

11 (4) employed in agriculture; or

12 (5) employed through a rehabilitation program supervised by
13 a county judge.

14 (b) The commissioner by rule may define agricultural
15 employment.

16 (c) In addition to the exemptions provided by Subsection (a)
17 of this section, the commissioner by rule may exempt from this Act
18 employment that the commissioner finds will not endanger the
19 safety, health, or well-being of a child under 14 years of age.

20 SECTION 12. PENALTY. An offense under this Act is a Class C
21 misdemeanor.

22 SECTION 13. REPEAL. Articles 5181a through 5181g, Revised
23 Civil Statutes of Texas, 1925, as amended, are repealed.

24 SECTION 14. EFFECTIVE DATE. This Act takes effect January
25 1, 1982, and applies only to the employment of a child after that
26 date. Employment of a child before the effective date of this Act
27 is subject to Articles 5181a through 5181g, Revised Civil Statutes

1 of Texas, 1925, as amended, and those laws are continued in effect
2 for that purpose.

3 SECTION 15. EMERGENCY. The importance of this legislation
4 and the crowded condition of the calendars in both houses create an
5 emergency and an imperative public necessity that the
6 constitutional rule requiring bills to be read on three several
7 days in each house be suspended, and this rule is hereby suspended.

HOUSE COMMITTEE REPORT

1ST PRINTING

F

By Criss

H.B. No. 539

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5 emergency and an imperative public necessity that the
6 constitutional rule requiring bills to be read on three several
7 days in each house be suspended, and this rule is hereby suspended.

The Honorable Bill Clayton
Speaker of the House of Representatives

2/17/81
(date)

We, your COMMITTEE ON EMPLOYMENT PRACTICES, to whom was referred HB 539, have had the same
(measure)
under consideration and beg to report back with the recommendation that it

- A fiscal note was requested. (~~X~~) yes () no

An author's fiscal statement was requested. () yes (☒) no

An actuarial analysis was requested. () yes (~~X~~) no

~~The Committee recommends that this measure be placed on the (Local) or (Consent) Calendar.~~

This measure

(<input checked="" type="checkbox"/>)	proposes new law.
()	amends existing law.

House Sponsor of Senate Measure _____

The measure was reported from Committee by the following vote:

[illegible]

7 aye

0 nay

-0- present, not voting

2 absent

CHAIRMAN

COMMITTEE COORDINATOR

BILL ANALYSIS

Background

Currently the child labor laws of the State of Texas are contained in Articles 5181a through 5181g, Revised Civil Statutes of Texas, 1925, as amended. Article 5181a provides that no child under the age of 15 years shall be employed in any factory, mill, workshop, laundry or messenger services in municipalities of more than 15,000 population. Article 5181b provides that no child under the age of 17 shall be employed in any mine, quarry or place where explosives are used and that no one having control or employment of such child shall send him or cause him to be sent to any disorderly house, bawdy house, assignation house, or place of amusement conducted for immoral purposes. Article 5181c provides that it shall be the duty of messenger businesses to determine if they are sending any child under the age of 17 years to one of the places enumerated in 5181b. Article 5181d provides that children under the age of 15 can not be required, nor shall the employer permit such child, to work or be on duty for more than eight hours in one calendar day or more than 48 hours in one week, nor shall a child of that age work between the hours of 10:00 p.m. and 5:00 a.m. Article 5181e provides for certain exceptions to be made upon application to a county judge when the child's or the child's family's financial circumstances require it.

Rulemaking

This legislation confers upon the Commissioner of the Texas Department of Labor and Standards rulemaking authority necessary to promote the purpose of this act.

Purpose

The purpose of this legislation is to insure that no child is employed in an occupation or in a manner that is detrimental to the child's safety, health or wellbeing and to provide a penalty for violation of this act.

Section by Section Analysis

Section 1 states the purposes of the act.

Section 2 defines certain words and phrases used within the act.

Section 3 provides that a person commits an offense if he employs a child under the age of 14 years of age.

Section 4 gives to the Commissioner of the Texas Department of Labor and Standards certain rulemaking authority.

Section 5 provides that no child under the age of 18 shall work more than 8 hours per day or 48 hours per week. It further provides that a child age 14 or 15 who is enrolled in school shall not work between the hours of 10:00 p.m. and 5:00 a.m. on a day that is followed by a school day, nor between midnight and 5:00 a.m. on any other day. It further provides that a child 14 or 15 years of age who is not enrolled in school may not work between the hours of midnight and 5:00 a.m.

Section 6 provides that the Commissioner may adopt rules to determine whether or not a hardship exists in the case of an individual child. If such determination is made as to an individual child, the prohibitions contained in Section 5 do not apply.

Section 7 provides for inspections of places where children work.

Section 8 provides that if the Commissioner finds any occupation to be particularly hazardous for a child the Commissioner by rule may restrict the employment of children between the ages of 14 and 18.

Section 9 provides for certification of age by children.

Section 10 provides that the Commissioner by rule may authorize the employment of a child under the age of 14 as an actor or performer.

Section 11 provides for certain exemptions of children under the age of 14.

Section 12 provides penalties for violation of this act.

Section 13 provides for the repeal of Articles 5181a through 5181g, Revised Civil Statutes of Texas, 1925, as amended.

Section 14 makes the effective date of this act January 1, 1982.

Section 15 creates an emergency.

SUMMARY OF COMMITTEE ACTION:

The committee published public notice in accordance with the rules of the House and considered H.B. No. 539 in a public hearing on February 17, 1981. By a vote of seven ayes and no nays, the committee voted to report the bill back to the House favorably, without amendment.

LEGISLATIVE BUDGET BOARD

Austin, Texas

FISCAL NOTE

February 17, 1981

Honorable Lee F. Jackson, Chairman
Committee on Employment Practices
House of Representatives
Austin, Texas

In Re: House Bill No. 539
By: Criss

Sir:

In response to your request pursuant to House Rules, Section 3.119, this office finds the fiscal implications of House Bill No. 539 (relating to the regulation of child labor; providing a penalty) to be as follows:


The bill would make no appropriation but could provide the legal basis for a request for funds to implement the provisions of the bill.

The probable cost of implementing the provisions of the bill during each of the first five years following passage is estimated as follows:

<u>Fiscal Year</u>	<u>Probable Cost Out of the General Revenue Fund</u>	<u>Change in Number of State Employees from FY 1981</u>
1982	\$ 9,088	+5
1983	7,532	+5
1984	7,532	+5
1985	7,532	+5
1986	7,532	+5

Similar annual costs would continue as long as the provisions of the bill are in effect.

No fiscal implication or additional cost to units of local government attributable to the bill, should it be enacted, is anticipated.


Thomas M. Keel
Director

Source: Texas Department of Labor and Standards; LBB Staff: TK, JH, LV

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ENGROSSED
SECOND READING

By Criss

H.B. No. 539

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5 work between the hours of 10 p.m. and 5 a.m. on a day that is
6 followed by a school day or between the hours of midnight and 5
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27 intentionally hinders an inspection or the collection of

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4 employment of a child and that occupation has been declared to be
5 hazardous by an agency of the federal government, the commissioner
6 by rule shall declare that occupation to be hazardous.

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8 children 14 years of age or older in hazardous occupations.

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12 14 years of age may apply to the department for a certificate of
13 age.

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15 present documentary proof of age that the department finds
16 necessary.

17 (c) After the department has approved a child's documentary
18 proof of age, the department shall issue to the child a certificate
19 stating the date of birth of the child.

20 (d) It is a defense to prosecution of a person employing a
21 child who does not meet the minimum age standard for a type of
22 employment that the person in good faith relied on an apparently
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5 supervision of the child's parent or an adult having custody of the
6 child in a business or enterprise owned or operated by the parent
7 or custodian;

8 (2) engaged in delivery of newspapers to the consumer;

9 (3) participating in a school-supervised and
10 school-administered work-study program approved by the department;

11 (4) employed in agriculture;

12 (5) employed through a rehabilitation program supervised by
13 a county judge; or

14 (6) engaged in casual nonhazardous employment with parental
15 consent or the consent of an adult having custody of such child
16 which will not endanger the safety, health, or well-being of such
17 child.

18 (b) The commissioner by rule may define agricultural
19 employment or nonhazardous casual employment which the commissioner
20 determines is dangerous to the safety, health, or well-being of a
21 child.

22 (c) In addition to the exemptions provided by Subsection (a)
23 of this section, the commissioner by rule may exempt from this Act
24 employment that the commissioner finds will not endanger the
25 safety, health, or well-being of a child under 14 years of age.

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11 emergency and an imperative public necessity that the
12 constitutional rule requiring bills to be read on three several
13 days in each house be suspended, and this rule is hereby suspended.

Floor Amendment No. ①

By: ~~Maloney~~ *Maloney*

Amend Page 4, Section 11 of H. B. 539 by adding a new subsection
(6) to read:

(6) engaged in casual non-hazardous employment with parental consent or the consent of an adult having custody of such child which will not endanger the safety, health or well being of such child.

ADOPTED

MAR 24 1981

Betty Munsey
Chief Clerk
House of Representatives

AB

Floor Amendment No. 2

By: ~~Maloney~~

Amend Page 4, Section 11, Subsection (b) of H. B. 539 to read as follows:

(b) The Commissioner by rule may define agricultural employment or non-hazardous casual employment which the Commissioner determines is dangerous to the safety, health or well being of a child.

ADOPTED

MAR 24 1981

Betty Murray
Chief Clerk
House of Representatives

AB

AD 8-8-81

3rd READING

ADOPTED

MAR 25 1981 AG

Betty Murray
Chief Clerk
House of Representatives

Larry J. ...

BY ~~Francis~~
~~Rent~~

Penet

AMENDMENT NO. ①

1 Amend H.B. 539 on page 4, line 11, by inserting the following.
2 between "agriculture" and the semicolon: "during a period of time,
3 when the child is not legally required to be attending school."
4

((ENCLOSURE))

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HOUSE ENGROSSMENT

SPECIAL PRINTING

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26 the employment of a child under 14 years of age as an actor or
27 performer in a motion picture or in a theatrical, radio, or

1 television production.

2 SECTION 11. EXEMPTIONS. (a) This Act does not apply to
3 employment of a child under 14 years of age who is:

4 (1) employed in a nonhazardous occupation under the direct
5 supervision of the child's parent or an adult having custody of the
6 child in a business or enterprise owned or operated by the parent
7 or custodian;

8 (2) engaged in delivery of newspapers to the consumer;

9 (3) participating in a school-supervised and
10 school-administered work-study program approved by the department;

11 (4) employed in agriculture during a period of time when the
12 child is not legally required to be attending school;

13 (5) employed through a rehabilitation program supervised by
14 a county judge; or

15 (6) engaged in casual nonhazardous employment with parental
16 consent or the consent of an adult having custody of such child
17 which will not endanger the safety, health, or well-being of such
18 child.

19 (b) The commissioner by rule may define agricultural
20 employment or nonhazardous casual employment which the commissioner
21 determines is dangerous to the safety, health, or well-being of a
22 child.

23 (c) In addition to the exemptions provided by Subsection (a)
24 of this section, the commissioner by rule may exempt from this Act
25 employment that the commissioner finds will not endanger the
26 safety, health, or well-being of a child under 14 years of age.

27 SECTION 12. PENALTY. An offense under this Act is a Class C

1 misdemeanor.

2 SECTION 13. REPEAL. Articles 5181a through 5181g, Revised
3 Civil Statutes of Texas, 1925, as amended, are repealed.

4 SECTION 14. EFFECTIVE DATE. This Act takes effect January
5 1, 1982, and applies only to the employment of a child after that
6 date. Employment of a child before the effective date of this Act
7 is subject to Articles 5181a through 5181g, Revised Civil Statutes
8 of Texas, 1925, as amended, and those laws are continued in effect
9 for that purpose.

10 SECTION 15. EMERGENCY. The importance of this legislation
11 and the crowded condition of the calendars in both houses create an
12 emergency and an imperative public necessity that the
13 constitutional rule requiring bills to be read on three several
14 days in each house be suspended, and this rule is hereby suspended.

COMMITTEE REPORT FORM

Brown

5/30/81

Austin, Texas

Date of report to Senate

Honorable William P. Hobby
President of the Senate

Sir:

We your Committee on Economic Development to which was referred
H B. No. 539 have had the same under consideration, and I am instructed to report it back to the Senate
with the recommendation that it do _____ pass as amended and be printed.

[Signature]
Chairman

Paper clip the original and one copy of this form to the original bill and retain one copy for your file.

REQUEST FOR LOCAL & UNCONTESTED CALENDAR
PLACEMENT

Hon. Roy Blake, Chairman
Administration Committee

Sir:

Pursuant to S.R. 148, notice is hereby given that HB 539, by: Brown,
was heard by the Committee on Economic Development on 5/29, 1981
and reported out with the recommendation that it be placed on the Local and Uncontested
Calendar.

[Signature]
Chairman of the reporting committee

IMPORTANT: THIS FORM MUST BE ATTACHED TO A PRINTED COPY OF THE BILL
OR RESOLUTION, WHICH ALONG WITH 7 ADDITIONAL COPIES OF THE BILL OR
RESOLUTION SHOULD BE DELIVERED TO THE OFFICE OF THE COMMITTEE ON
ADMINISTRATION, ROOM G-27J. PLEASE CALL 5-1134 IF YOU HAVE ANY
QUESTIONS. **DEADLINE FOR SUBMITTING BILLS FOR THE LOCAL CALENDAR IS**
5:00 P.M. MONDAYS.

Guns
TRAVEL

COMMITTEE AMENDMENT NO. 1

By *Wilson*

DH

Amend H.B. 539 as follows:

(1) On page 4, delete the following language beginning on line 19 after the word "define": "agricultural employment or"; and

(2) renumber present Subsection (b), Section 11 to be Subsection (c), Section 11, and insert the following to be Subsection (b), Section 11 of the bill:

"(b) in this section the term 'employed in agriculture' means engaged in the production of crops or livestock including but not limited to;

(1) the cultivation and tillage of the soil

(2) the production, cultivation, growing and harvesting of any agricultural or horticultural commodities ~~and~~ or

(3) dairying or the raising of livestock, bees, furbearing animals or poultry."

ADOPTED

MAY 31 1981

Boaty King
Secretary of the Senate

AMEND THE CAPTION TO CONFORM
TO THE BODY OF THE BILL

ADOPTED

MAY 31 1981

Betty King
Secretary of the Senate

2. 1. 82

CONFERENCE COMMITTEE REPORT FORM

Austin, Texas

June 1, 1981

Honorable William P. Hobby
President of the Senate

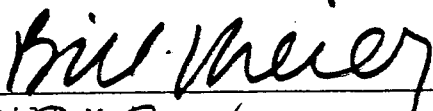
Honorable Bill Clayton
Speaker of the House of Representatives

Sir:

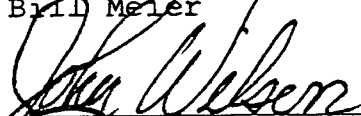
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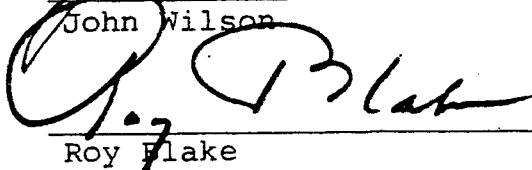
James E. Brown



Bill Meier



John Wilson



Roy Flake

Ed Howard

On the part of the Senate



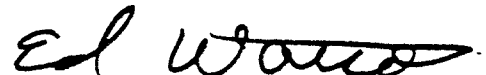
Lloyd Criss



Bob Leonard

Ken Riley

Juan Hinojosa



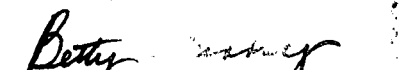
Ed Watson

On the part of the House

ADOPTED

20:5 WD 1 - NOV 1981

JUN 1 1981


Chief Clerk
House of Representatives

CONFERENCE COMMITTEE REPORT

H.B. No. 539

A BILL TO BE ENTITLED

AN ACT

relating to the regulation of child labor; providing a penalty.

BE IT ENACTED BY THE LEGISLATURE OF THE STATE OF TEXAS:

SECTION 1. PURPOSE. The purpose of this Act is to ensure that no child is employed in an occupation or in a manner that is detrimental to the child's safety, health, or well-being.

SECTION 2. DEFINITIONS. In this Act:

(1) "Child" means an individual-under 18 years of age.

(2) "Commissioner" means the commissioner of labor and standards.

(3) "Department" means the Texas Department of Labor and Standards.

(4) "Person" means an individual, corporation, partnership, unincorporated association, or other legal entity.

SECTION 3. MINIMUM AGE. Except as provided by this Act or by a rule of the commissioner of labor and standards, a person commits an offense if that person employs a child under 14 years of age.

SECTION 4. RULEMAKING. The commissioner of labor and standards may adopt rules necessary to promote the purpose of this Act. Except as expressly authorized by this Act, a rule may not permit the employment of a child under 14 years of age.

SECTION 5. HOURS. (a) A person who employs a child commits an offense if that person permits a child 14 or 15 years of age to

1 work more than 8 hours in one day or more than 48 hours in one
2 week.

3 (b) A person who employs a child commits an offense if that
4 person permits a child 14 or 15 years of age who is enrolled in the
5 fall, spring, or summer session of a public or private school to
6 work between the hours of 10 p.m. and 5 a.m. on a day that is
7 followed by a school day or between the hours of midnight and 5
8 a.m. on a day that is not followed by a school day.

9 (c) A person who employs a child commits an offense if that
10 person permits a child 14 or 15 years of age who is not enrolled in
11 summer school to work between the hours of midnight and 5 a.m. on
12 any day during the time school is recessed for the summer.

13 SECTION 6. HARDSHIP. (a) The commissioner may adopt rules
14 to determine whether a hardship exists in the case of an individual
15 child.

16 (b) The department may determine whether a hardship exists
17 in the case of an individual child under the rules adopted by the
18 commissioner.

19 (c) If the department determines that a hardship exists in
20 the case of an individual child, Sections 5(a), (b), and (c) of
21 this Act do not apply in that case.

22 SECTION 7. INSPECTORS. (a) The commissioner or any deputy
23 or inspector of the commissioner may, during working hours, inspect
24 a place where there is good reason to believe a child is employed
25 and collect information concerning the employment of a child who
26 works at that place.

27 (b) A person commits an offense if the person knowingly or

1 intentionally hinders an inspection or the collection of
2 information authorized by this section.

3 SECTION 8. HAZARDOUS OCCUPATIONS. (a) If the commissioner
4 finds that any occupation is particularly hazardous for the
5 employment of a child and that occupation has been declared to be
6 hazardous by an agency of the federal government, the commissioner
7 by rule shall declare that occupation to be hazardous.

8 (b) The commissioner by rule may restrict the employment of
9 children 14 years of age or older in hazardous occupations.

10 (c) A person commits an offense if that person employs a
11 child in violation of a rule adopted under this section.

12 SECTION 9. CERTIFICATE OF AGE. (a) A child who is at least
13 14 years of age may apply to the department for a certificate of
14 age.

15 (b) When applying for a certificate of age, a child must
16 present documentary proof of age that the department finds
17 necessary.

18 (c) After the department has approved a child's documentary
19 proof of age, the department shall issue to the child a certificate
20 stating the date of birth of the child.

21 (d) It is a defense to prosecution of a person employing a
22 child who does not meet the minimum age standard for a type of
23 employment that the person in good faith relied on an apparently
24 valid certificate of age presented by the child showing the child
25 to be the required minimum age.

26 SECTION 10. ACTORS. The commissioner by rule may authorize
27 the employment of a child under 14 years of age as an actor or

1 performer in a motion picture or in a theatrical, radio, or
2 television production.

3 SECTION 11. EXEMPTIONS. (a) This Act does not apply to
4 employment of a child who is:

5 (1) employed in a nonhazardous occupation under the direct
6 supervision of the child's parent or an adult having custody of the
7 child in a business or enterprise owned or operated by the parent
8 or custodian;

9 (2) engaged in delivery of newspapers to the consumer;

10 (3) participating in a school-supervised and
11 school-administered work-study program approved by the department;

12 (4) employed in agriculture during a period of time when the
13 child is not legally required to be attending school;

14 (5) employed through a rehabilitation program supervised by
15 a county judge; or

16 (6) engaged in casual nonhazardous employment with parental
17 consent or the consent of an adult having custody of such child
18 which will not endanger the safety, health, or well-being of such
19 child.

20 (b) In this section, "employed in agriculture" means engaged
21 in producing crops or livestock and includes:

22 (1) cultivating and tilling the soil;

23 (2) producing, cultivating, growing, and harvesting an
24 agricultural or horticultural commodity;

25 (3) dairying; and

26 (4) raising livestock, bees, furbearing animals, or poultry.

27 (c) The commissioner by rule may define nonhazardous casual

1 employment which the commissioner determines is dangerous to the
2 safety, health, or well-being of a child.

3 SECTION 12. PENALTY. An offense under this Act is a Class C
4 misdemeanor.

5 SECTION 13. REPEAL. Articles 5181a through 5181g, Revised
6 Civil Statutes of Texas, 1925, as amended, are repealed.

7 SECTION 14. EFFECTIVE DATE. This Act takes effect January
8 1, 1982, and applies only to the employment of a child after that
9 date. Employment of a child before the effective date of this Act
10 is subject to Articles 5181a through 5181g, Revised Civil Statutes
11 of Texas, 1925, as amended, and those laws are continued in effect
12 for that purpose.

13 SECTION 15. EMERGENCY. The importance of this legislation
14 and the crowded condition of the calendars in both houses create an
15 emergency and an imperative public necessity that the
16 constitutional rule requiring bills to be read on three several
17 days in each house be suspended, and this rule is hereby suspended.

COMPARISON OF VERSIONS OF H.B. 539

	HOUSE VERSION	SENATE VERSION	CONFERENCE COMMITTEE REPORT
Section 1	states the purpose of the bill	same as Section 1 of House version	same as Section 1 of House version
Section 2	provides definitions of terms	same as Section 2 of House version	same as Section 2 of House version
Section 3	prohibits employment of a child	same as Section 3 of House version	same as Section 3 of House version
Section 4	grants rulemaking authority to the commissioner of labor and standards	same as Section 4 of House version	same as Section 4 of House version
Section 5	limits the number of daily and weekly hours a child may work and limits the time of day a child 14 or 15 years of age may work	same as Section 5 of House version	same as Section 5 of House version, except that the limit on the number of daily and weekly hours applies only to a child who is 14 or 15 years of age
Section 6	authorizes the commissioner to adopt rules to determine hardship and sets out the effect of a determination of hardship	same as Section 6 of House version	same as Section 6 of House version
Section 7	authorizes inspection of a place where there is good reason to believe a child is employed and collection of information concerning a child's employment; prohibits hindering an inspection or the collection of information	same as Section 6 of House version	same as Section 6 of House version

	HOUSE VERSION	SENATE VERSION	CONFERENCE COMMITTEE
Section 8	authorizes the commissioner to declare certain occupations hazardous and to restrict employment of a child under 14 years of age or older in a hazardous occupation; prohibits employment in violation of a rule under this section	same as Section 8 of House version	same as Section 8 of House version
Section 9	provides for procedures and requirements for issuing a certificate of age and establishes a defense to prosecution under certain circumstances if a person has relied on a certificate of age	same as Section 9 of House version	same as Section 9 of House version
Section 10	grants rulemaking authority to the commissioner to authorize employment of a child under 14 years of age in certain acting fields	same as Section 10 of House version	same as Section 10 of House version
Section 11	exempts from the Act employment of a child under 14 years of age in certain occupations and under certain conditions, and allows the commissioner to define agricultural and certain non-hazardous casual employment, and allows the commissioner to further exempt employment that the commissioner finds will not endanger the safety, health, or well-being of a child under 14 years of age	same as Section 11 of House version, except that commissioner may not define agricultural employment and a definition of agricultural employment is set out	same as Section 11 of House version, except that exemptions apply to all children, and the commissioner may not add to the list of exemptions stated in the section
Section 12	provides that an offense under the Act is a Class C misdemeanor	same as Section 12 of House version	same as Section 12 of House version

	HOUSE VERSION	SENATE VERSION	CONFERENCE COMMITTEE .
Section 13	repeals certain other laws	same as Section 13 of House version	same as Section 13 of Hou version
Section 14	provides that the Act affects only the employment of a child after <u>January 1, 1982</u>	same as Section 14 of House version	same as Section 14 of House version
Section 15	states an emergency	same as Section 15 of House	same as Section 15 of House

CONFERENCE COMMITTEE REPORT FORM

Austin, Texas

June 1, 1981

Honorable William P. Hobby
President of the Senate

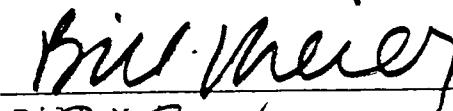
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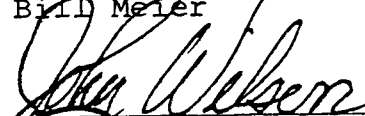
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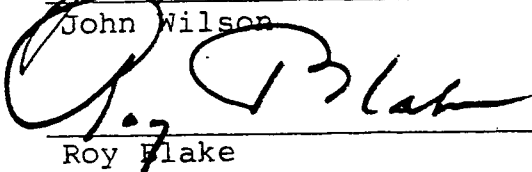
James E. Brown



Bill Meier



John Wilson



Roy Blake

Ed Howard

On the part of the Senate



Lloyd Criss



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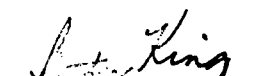


Ed Watson

On the part of the House

ADOPTED

JUN 1 1981


Secretary of the Senate

JUN 1 1981 read & filed

CONFERENCE COMMITTEE REPORT

H.B. No. 539

A BILL TO BE ENTITLED

AN ACT

relating to the regulation of child labor; providing a penalty.

BE IT ENACTED BY THE LEGISLATURE OF THE STATE OF TEXAS:

SECTION 1. PURPOSE. The purpose of this Act is to ensure that no child is employed in an occupation or in a manner that is detrimental to the child's safety, health, or well-being.

SECTION 2. DEFINITIONS. In this Act:

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(2) "Commissioner" means the commissioner of labor and standards.

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SECTION 3. MINIMUM AGE. Except as provided by this Act or by a rule of the commissioner of labor and standards, a person commits an offense if that person employs a child under 14 years of age.

SECTION 4. RULEMAKING. The commissioner of labor and standards may adopt rules necessary to promote the purpose of this Act. Except as expressly authorized by this Act, a rule may not permit the employment of a child under 14 years of age.

SECTION 5. HOURS. (a) A person who employs a child commits an offense if that person permits a child 14 or 15 years of age to

1 work more than 8 hours in one day or more than 48 hours in one
2 week.

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4 person permits a child 14 or 15 years of age who is enrolled in the
5 fall, spring, or summer session of a public or private school to
6 work between the hours of 10 p.m. and 5 a.m. on a day that is
7 followed by a school day or between the hours of midnight and 5
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Section 7	authorizes inspection of a place where there is good reason to believe a child is employed and collection of information concerning a child's employment; prohibits hindering an inspection or the collection of information	same as Section 6 of House version	same as Section 6 of House version

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CONFERENCE COMMITTEE REPORT FORM

Austin, Texas

June 1, 1981

Honorable William P. Hobby
President of the Senate

Honorable Bill Clayton
Speaker of the House of Representatives

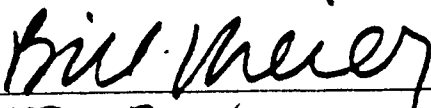
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Sir:

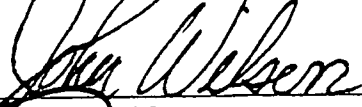
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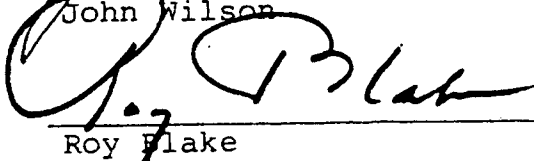
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On the part of the Senate



Lloyd Criss



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On the part of the House

CONFERENCE COMMITTEE REPORT

3RD PRINTING

H.B. No. 539

A BILL TO BE ENTITLED

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relating to the regulation of child labor; providing a penalty.

BE IT ENACTED BY THE LEGISLATURE OF THE STATE OF TEXAS:

SECTION 1. PURPOSE. The purpose of this Act is to ensure that no child is employed in an occupation or in a manner that is detrimental to the child's safety, health, or well-being.

SECTION 2. DEFINITIONS. In this Act:

(1) "Child" means an individual under 18 years of age.

(2) "Commissioner" means the commissioner of labor and standards.

(3) "Department" means the Texas Department of Labor and Standards.

(4) "Person" means an individual, corporation, partnership, unincorporated association, or other legal entity.

SECTION 3. MINIMUM AGE. Except as provided by this Act or by a rule of the commissioner of labor and standards, a person commits an offense if that person employs a child under 14 years of age.

SECTION 4. RULEMAKING. The commissioner of labor and standards may adopt rules necessary to promote the purpose of this Act. Except as expressly authorized by this Act, a rule may not permit the employment of a child under 14 years of age.

SECTION 5. HOURS. (a) A person who employs a child commits an offense if that person permits a child 14 or 15 years of age to

1 work more than 8 hours in one day or more than 48 hours in one
2 week.

3 (b) A person who employs a child commits an offense if that
4 person permits a child 14 or 15 years of age who is enrolled in the
5 fall, spring, or summer session of a public or private school to
6 work between the hours of 10 p.m. and 5 a.m. on a day that is
7 followed by a school day or between the hours of midnight and 5
8 a.m. on a day that is not followed by a school day.

9 (c) A person who employs a child commits an offense if that
10 person permits a child 14 or 15 years of age who is not enrolled in
11 summer school to work between the hours of midnight and 5 a.m. on
12 any day during the time school is recessed for the summer.

13 SECTION 6. HARDSHIP. (a) The commissioner may adopt rules
14 to determine whether a hardship exists in the case of an individual
15 child.

16 (b) The department may determine whether a hardship exists
17 in the case of an individual child under the rules adopted by the
18 commissioner.

19 (c) If the department determines that a hardship exists in
20 the case of an individual child, Sections 5(a), (b), and (c) of
21 this Act do not apply in that case.

22 SECTION 7. INSPECTORS. (a) The commissioner or any deputy
23 or inspector of the commissioner may, during working hours, inspect
24 a place where there is good reason to believe a child is employed
25 and collect information concerning the employment of a child who
26 works at that place.

27 (b) A person commits an offense if the person knowingly or

1 intentionally hinders an inspection or the collection of
2 information authorized by this section.

3 SECTION 8. HAZARDOUS OCCUPATIONS. (a) If the commissioner
4 finds that any occupation is particularly hazardous for the
5 employment of a child and that occupation has been declared to be
6 hazardous by an agency of the federal government, the commissioner
7 by rule shall declare that occupation to be hazardous.

8 (b) The commissioner by rule may restrict the employment of
9 children 14 years of age or older in hazardous occupations.

10 (c) A person commits an offense if that person employs a
11 child in violation of a rule adopted under this section.

12 SECTION 9. CERTIFICATE OF AGE. (a) A child who is at least
13 14 years of age may apply to the department for a certificate of
14 age.

15 (b) When applying for a certificate of age, a child must
16 present documentary proof of age that the department finds
17 necessary.

18 (c) After the department has approved a child's documentary
19 proof of age, the department shall issue to the child a certificate
20 stating the date of birth of the child.

21 (d) It is a defense to prosecution of a person employing a
22 child who does not meet the minimum age standard for a type of
23 employment that the person in good faith relied on an apparently
24 valid certificate of age presented by the child showing the child
25 to be the required minimum age.

26 SECTION 10. ACTORS. The commissioner by rule may authorize
27 the employment of a child under 14 years of age as an actor or

1 performer in a motion picture or in a theatrical, radio, or
2 television production.

3 SECTION 11. EXEMPTIONS. (a) This Act does not apply to
4 employment of a child who is:

5 (1) employed in a nonhazardous occupation under the direct
6 supervision of the child's parent or an adult having custody of the
7 child in a business or enterprise owned or operated by the parent
8 or custodian;

9 (2) engaged in delivery of newspapers to the consumer;

10 (3) participating in a school-supervised and
11 school-administered work-study program approved by the department;

12 (4) employed in agriculture during a period of time when the
13 child is not legally required to be attending school;

14 (5) employed through a rehabilitation program supervised by
15 a county judge; or

16 (6) engaged in casual nonhazardous employment with parental
17 consent or the consent of an adult having custody of such child
18 which will not endanger the safety, health, or well-being of such
19 child.

20 (b) In this section, "employed in agriculture" means engaged
21 in producing crops or livestock and includes:

22 (1) cultivating and tilling the soil;

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24 agricultural or horticultural commodity;

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26 (4) raising livestock, bees, furbearing animals, or poultry.

27 (c) The commissioner by rule may define nonhazardous casual

1 employment which the commissioner determines is dangerous to the
2 safety, health, or well-being of a child.

3 SECTION 12. PENALTY. An offense under this Act is a Class C
4 misdemeanor.

5 SECTION 13. REPEAL. Articles 5181a through 5181g, Revised
6 Civil Statutes of Texas, 1925, as amended, are repealed.

7 SECTION 14. EFFECTIVE DATE. This Act takes effect January
8 1, 1982, and applies only to the employment of a child after that
9 date. Employment of a child before the effective date of this Act
10 is subject to Articles 5181a through 5181g, Revised Civil Statutes
11 of Texas, 1925, as amended, and those laws are continued in effect
12 for that purpose.

13 SECTION 15. EMERGENCY. The importance of this legislation
14 and the crowded condition of the calendars in both houses create an
15 emergency and an imperative public necessity that the
16 constitutional rule requiring bills to be read on three several
17 days in each house be suspended, and this rule is hereby suspended.

COMPARISON OF VERSIONS OF H.B. 539

	HOUSE VERSION	SENATE VERSION	CONFERENCE COMMITTEE REPORT
Section 1	states the purpose of the bill	same as Section 1 of House version	same as Section 1 of House version
Section 2	provides definitions of terms	same as Section 2 of House version	same as Section 2 of House version
Section 3	prohibits employment of a child	same as Section 3 of House version	same as Section 3 of House version
Section 4	grants rulemaking authority to the commissioner of labor and standards	same as Section 4 of House version	same as Section 4 of House version
Section 5	limits the number of daily and weekly hours a child may work and limits the time of day a child 14 or 15 years of age may work	same as Section 5 of House version	same as Section 5 of House version, except that the limit on the number of daily and weekly hours applies only to a child who is 14 or 15 years of age
Section 6	authorizes the commissioner to adopt rules to determine hardship and sets out the effect of a determination of hardship	same as Section 6 of House version	same as Section 6 of House version
Section 7	authorizes inspection of a place where there is good reason to believe a child is employed and collection of information concerning a child's employment; prohibits hindering an inspection or the collection of information	same as Section 6 of House version	same as Section 6 of House version

	HOUSE VERSION	SENATE VERSION	CONFERENCE COMMITTEE
Section 8	authorizes the commissioner to declare certain occupations hazardous and to restrict employment of a child under 14 years of age or older in a hazardous occupation; prohibits employment in violation of a rule under this section	same as Section 8 of House version	same as Section 8 of House version
Section 9	provides for procedures and requirements for issuing a certificate of age and establishes a defense to prosecution under certain circumstances if a person has relied on a certificate of age	same as Section 9 of House version	same as Section 9 of House version
Section 10	grants rulemaking authority to the commissioner to authorize employment of a child under 14 years of age in certain acting fields	same as Section 10 of House version	same as Section 10 of House version
Section 11	exempts from the Act employment of a child under 14 years of age in certain occupations and under certain conditions, and allows the commissioner to define agricultural and certain non-hazardous casual employment, and allows the commissioner to further exempt employment that the commissioner finds will not endanger the safety, health, or well-being of a child under 14 years of age	same as Section 11 of House version, except that commissioner may not define agricultural employment and a definition of agricultural employment is set out	same as Section 11 of House version, except that exemptions apply to all children, and the commissioner may not add to the list of exemptions stated in the section
Section 12	provides that an offense under the Act is a Class C misdemeanor	same as Section 12 of House version	same as Section 12 of House version

	HOUSE VERSION	SENATE VERSION	CONFERENCE COMMITTEE .
Section 13	repeals certain other laws	same as Section 13 of House version	same as Section 13 of Hou version
Section 14	provides that the Act affects only the employment of a child after <u>January 1, 1982</u>	same as Section 14 of House version	same as Section 14 of House version
Section 15	states an emergency	same as Section 15 of House	same as Section 15 of House

F

ENROLLED

H.B. No. 539

1 AN ACT

2 relating to the regulation of child labor; providing a penalty.

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H.B. No. 539

President of the Senate

Speaker of the House

I certify that H.B. No. 539 was passed by the House on March 25, 1981, by a non-record vote; that the House refused to concur in Senate amendments to H.B. No. 539 on June 1, 1981, and requested the appointment of a conference committee to consider the differences between the two houses; and that the House adopted the conference committee report on H.B. No. 539 on June 1, 1981, by a non-record vote.

Chief Clerk of the House

H.B. No. 539

I certify that H.B. No. 539 was passed by the Senate, with amendments, on May 31, 1981, by the following vote: Yeas 30, Nays 0; at the request of the House, the Senate appointed a conference committee to consider the differences between the two houses; and that the Senate adopted the conference committee report on H.B. No. 539 on June 1, 1981, by a viva voce vote.

Secretary of the Senate

APPROVED: _____

Date

Governor

H. B. No. 539

By Cross

A BILL TO BE ENTITLED
AN ACT

relating to the regulation of child labor; providing a penalty.

JAN 23 1981

1. Filed with the Chief Clerk.

FEB 3 1981

2. Read first time and Referred to Committee on

Employment Practices

FEB 17 1981

3. Reported ☒ favorably ^(as amended)
~~(as substituted)~~ and sent to Printer at 11:27 am

FEB 18 1981

4. Printed and distributed at 4:36 pm

FEB 18 1981

FEB 18 1981

5. Sent to Committee on Calendars at 4:52 pm

MAR 2 4 1981

6. Read second time (amended); passed to third reading (failed) by (Non-Record Vote)
~~(Record Vote of _____ years, _____ nays, _____ present, not voting).~~

7. Motion to reconsider and table the vote by which H.B. _____ was ordered engrossed prevailed (failed) by a (Non-Record Vote) (Record Vote of _____ years, _____ nays, and _____ present, not voting).

8. Constitutional Rule requiring bills to be read on three several days suspended (failed to suspend) by a four-fifths vote of _____ years, _____ nays, and _____ present, not voting.

MAR 2 5 1981

9. Read third time (amended); finally passed (failed) by (Non-Record Vote) ~~(Record Vote of _____ years, _____ nays, _____ present, not voting).~~

10. Caption ordered amended to conform to body of bill.

11. Motion to reconsider and table the vote by which H. B. _____ was finally passed prevailed (failed) by a (Non-Record Vote) (Record Vote of _____ years, _____ nays, and _____ present, not voting).

MAR 2 5 1981

12. Ordered Engrossed at 1:39 pm

MAR 2 5 1981

13. Engrossed.

MAR 2 5 1981

14. Returned to Chief Clerk at 4:10 pm.

MAR 2 6 1981

15. Sent to Senate.

Betty Murray

Chief Clerk of the House

MAR 2 6 1981

16. Received from the House

MAR 3 0 1981

17. Read, referred to Committee on ECONOMIC DEVELOPMENT

MAY 30 1981

18. Reported favorably as amended

19. Reported adversely, with favorable Committee Substitute; Committee Substitute read first time.

20. Ordered not printed.

21. Regular order of business suspended by
(a viva voce vote.)
(_____ years, _____ nays.)

22. To permit consideration, reading and passage, Senate and Constitutional Rules suspended by vote of _____ yeas, _____ nays.

MAY 31 1981 Laid before Senate

23. Read second time amended passed to third reading by: (a viva voce vote.) _____ yeas, _____ nays.)

MAY 31 1981

24. Caption ordered amended to conform to body of bill.

MAY 31 1981

25. Senate and Constitutional 3-Day Rules suspended by vote of 30 yeas, 0 nays to place bill on third reading and final passage.

MAY 31 1981

26. Read third time and passed by (a viva voce vote.) _____ yeas, 0 nays.)

OTHER ACTION: OTHER ACTION:

June 1, 1981

27. Returned to the House.

JUN 1 1981

28. Received from the Senate (with amendments.) (Recorded.)

JUN 1 1981

29. House (~~Consented~~) (Refused to Concur) in Senate (Amendments) by a (Non-Record Vote) (Record Vote of _____ yeas, _____ nays, _____ present, _____ not voting).

JUN 1 1981

30. Conference Committee Ordered.

JUN 1 1981

31. Conference Committee Report Adopted (~~Rejected~~) by a (Non-Record Vote) (Record Vote of _____ yeas, _____ nays, and _____ present, _____ not voting).

JUN 1 1981

32. Ordered Enrolled at 7:31 pm

01 MAR 24 PM 2:1

01 MAR 18 11 4:38

10 23 2011